

**CANBY CITY COUNCIL  
REGULAR MEETING  
MAY 1, 1991**

Council President Scott Taylor presiding. Council members present: Keith Stiglbauer, Maureen Miltenberger, Terry Prince, Robert Smith and Walt Daniels. Absent: Mayor Shawn Carroll.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Public Works Director Rusty Klem, City Planner Robert Hoffman, Swim Center Director Scott Nelson, City Recorder Marilyn Perkett, Chris Curran, Peggy Sigler, Lori Johnson and Martha Schrader.

President Taylor called the regular session to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call of the Council showed a quorum to be present.

**MINUTES OF PREVIOUS SESSION:** \*\*Councilman Smith moved to approve as distributed the minutes of regular session April 17, 1991. Motion seconded by Councilman Daniels and approved 6-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** None presented.

**PROCLAMATION:** Drinking Water Week - President Taylor proclaimed the week of May 5-11, 1991, as Drinking Water Week and commended the Canby Utility Board's water department on their contributions for giving Canby a good water system.

**COMMUNICATIONS:** None presented.

**NEW BUSINESS:** Accounts Payable - \*\*Councilman Prince moved to approve payment of the accounts in the amount of \$79,276.75. Seconded by Councilman Smith and approved by roll call vote, 6-0.

County Road Transfers - Rusty Klem reviewed the approximate 629,750 square feet of County roads that exist in the City limits and noted that the City currently does what little maintenance is done on them at this time. If we pursue negotiating with the County to obtain these roads, the County might give us a cash return of approximately \$220,430. This cash amount is about \$35 per ton cost of the paving process. The money could be held for accumulation or be directed to a specific street improvement.

\*\*Councilman Daniels moved to instruct staff to begin negotiations with Clackamas County to acquire all the current County roads that are within the City limits. Motion seconded by Councilwoman Miltenberger.

Councilman Daniels questioned how much maintenance the County currently does on these streets and would Township village be required to make street improvements on 13th when they expand. Mr. Klem said the County does very little maintenance and they it would be doubtful if they would improve 13th.

Mr. Klem noted that perhaps the County would not want to give up all of their roads, specifically S. Ivy Street.

Councilman Stiglbauer asked how many miles of County roads were in the City. Mr. Klem said we have about 35 miles of streets, approximately 4 1/2 miles are County or State and

we currently maintain 31 miles. Also, Mr. Klem said that we maintain the streets at a higher standards than the County does.

**\*\*The vote on the motion to begin negotiations for County road transfer was for approval, 6-0.**

**Power of Attorney** - Mr. Klem explained that this document was needed by the state in order to make payments on the Birch Street project for which we are using federal funds. The document will authorize the Oregon State Highway Division to draw on the match money that the City is providing for the project. **\*\*Councilman Prince moved to authorize the Mayor to sign the "Irrevocable Limited Power of Attorney Local Government Investment Pool" agreement with the State of Oregon for the Birch Street Project. Motion seconded by Councilman Stiglbauer and approved 6-0.**

**ORDINANCES & RESOLUTIONS: Ordinance No. 858** - Planner Hoffman explained that this ordinance was drafted when the City expressed a concern about moving an older structure of poor quality onto a site. This ordinance would apply to any structure moved from one site to another for residential use with review to be done by staff to be sure it was "near like new" condition. Mr. Hoffman said that prior to any issuance of a "occupancy permit" the structure would have to meet the "near like new" standards.

**\*\*Councilman Daniels that Ordinance No. 858, AN ORDINANCE AMENDING PROVISIONS OF TITLE 16 OF THE CANBY MUNICIPAL CODE REGARDING SITE PLAN REVIEW AND REQUIRING REVIEW OF CONDITION OF RESIDENTIAL STRUCTURES PROPOSED TO BE MOVED; AND DECLARING AN EMERGENCY be properly posted and come up for final action on May 15, 1991. Motion seconded by Councilman Prince and approved 6-0.**

**Ordinance No. 859** - This is the companion ordinance to number 858, which allows manufactured homes on individual lots an outright use. **\*\*Councilman Daniels moved that Ordinance No. 859, AN ORDINANCE AMENDING PROVISIONS OF TITLE 16 OF THE CANBY MUNICIPAL CODE REGARDING MANUFACTURED HOMES ON INDIVIDUAL LOTS PLANNED AND ZONED FOR SINGLE-FAMILY RESIDENTIAL USE TO BE PERMITTED AS AN OUTRIGHT USE; REPEALING ORDINANCE NO. 853; AND DECLARING AN EMERGENCY be properly posted and come up for final action on May 15, 1991. Motion seconded by Councilman Smith and approved 6-0.**

**Ordinance No. 860** - Administrator Jordan explained that this ordinance recreates a Sewer Reserve Fund which was recently closed because it was past the legal amount of years to be in existence. **\*\*Councilman Prince moved that Ordinance No. 860, AN ORDINANCE CREATING A SEWER RESERVE FUND FOR THE PURPOSE OF RETAINING REVENUE WITH WHICH TO UNDERTAKE WASTEWATER SYSTEM AND WATER QUALITY RELATED CAPITAL IMPROVEMENTS, AND REPEALING RESOLUTION NO. 341 be properly posted and come up for final action on May 15, 1991. Motion seconded by Councilman Smith.**

Rusty Klem informed the Council that Resolution 341 was set up as the Sewer Depreciation Fund and now they would use only the newly created fund.

**\*\*The motion was approved for this ordinance, 6-0.**

**Resolution No. 471** - Administrator Jordan explained that the League of Oregon Cities had requested support of HB 3559 which would increase the gas tax and equivalent weight/mile tax by two center per year for the next four years. The first two years the distribution will be about 60% state, 24 1/2% county and 15 1/2% City; and the last two years the

distribution would be 50% state, 30% county and 20% City.

**\*\*Councilman Daniels moved to adopt Resolution No. 471, A RESOLUTION SUPPORTING HB 3559, IMPOSING A TWO CENTER INCREASE IN GASOLINE TAXES OVER EACH OF THE NEXT FOUR YEARS; AND IMPOSE AN EQUIVALENT INCREASE IN THE STATE WEIGHT/MILE TAX. Motion seconded by Councilman Prince.**

President Taylor reminded the Council that the citizens of Canby did not pass a City levy for street improvements several months ago and since the Council was representing the citizens he was concerned about the support of HB 3559. Mr. Taylor noted that he personally was in favor of improving infrastructure.

**\*\*The resolution was adopted by a vote of 5 to 1, with Council President Taylor voting nay.**

**UNFINISHED BUSINESS:** Historic Preservation Task Force - Administrator Jordan explained that Peggy Sigler had approached the City several weeks ago regarding preservations of various historical sites in the City. Mr. Jordan explained that City Planner, Bob Hoffman, had drafted some possible charges of the proposed task force and possible requirements for the committee members. Two applications have already been received to serve on the task force. The Council gave an unanimous consensus to proceed as outlined in Mr. Hoffman's schedule.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan asked if any Councilperson could substitute for him in a Mayor's Golf Tournament in Lake Oswego on Saturday.

Scott Nelson informed the Council that soon there would be three vacant positions on the Pool Advisory Board. One must be filled by a Swim Team parent member, and the other two are positions where the person has already served two complete terms. He noted that these members have accomplished a great deal in the last six years. We will ask the local newspaper to advertise for applicants for these board members.

- ACTION REVIEW:**
1. Implement negotiations with Clackamas County to transfer County roads to the City.
  2. Sign power of attorney with state for Birch Street project.
  3. Post Ordinance No.'s 858, 859 & 860.
  4. Mail copies of Resolution 471 to proper legislative members.
  5. Proceed with Historic Task Force program.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(e), to negotiate real property; and (1)(h), regarding pending litigation. Motion seconded by Councilman Daniels and approved 6-0.**

President Taylor recessed the regular session at 8:25 p.m. to go into Executive Session in the Police Department. The regular session was reconvened at 8:57 p.m. and immediately adjourned.

\*\*\*\*\*

EXECUTIVE SESSION  
MAY 1, 1991

Council President Taylor presiding. Councilor's present: Prince, Daniels, Miltenberger and Stiglbauer. Absent: Mayor Carroll and Councilman Smith.

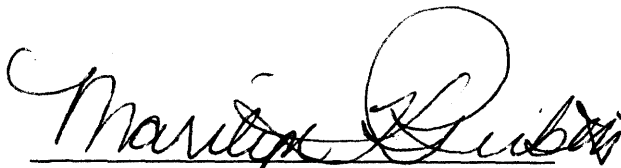
Also present: Administrator Jordan and Attorney Kelley.

President Taylor opened the session at 8:30 p.m. in the Police Department Conference Room.

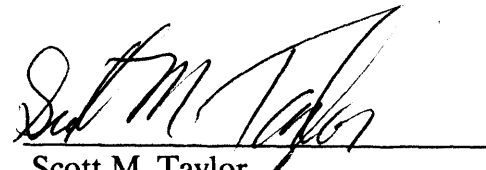
ORS 192.660 (1)(h), the Council discussed the City of Canby vs. Rinkes litigation.

ORS 192.660 (1)(e), the Council discussed the property negotiations between the City and Elementary School District.

The session was adjourned at 8:55 p.m.



Marilyn K. Perkett  
City Recorder



Scott M. Taylor  
Acting Mayor